

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONNIE CHEROKEE BROWN,

Plaintiff,

v.

A. REILLY, et al.,

Defendants.

No. 2:20-cv-1709 WBS AC P

ORDER

Plaintiff, a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983, has filed motions for a preliminary injunction and to compel. ECF Nos. 99, 100.

Plaintiff's motion for preliminary injunction alleges that since his December 27, 2022 transfer back to California State Prison (CSP)-Sacramento, where defendants work, defendant Hood has threatened him on two occasions. ECF No. 99. Plaintiff also alleges that because Hood is assigned to the medical building, he will have daily contact with Hood. Id. at 3. In light of plaintiff's transfer back to CSP-Sacramento and his allegations regarding his interactions with Hood, defendants will be required to respond to the motion. Plaintiff is advised that while the motion is pending, he may not file any other motions for preliminary injunction on the same grounds or seeking the same relief. After defendants file their response, plaintiff may file a single reply. Failure to follow these instructions will result in non-compliant filings being stricken from the record.

1 Plaintiff has also filed a motion to compel discovery. ECF No. 100. However, while he
2 identifies the materials he is seeking, he has not reproduced the requests at issue or defendants'
3 responses, and he has not explained why defendants' responses are deficient or their objections
4 are not justified.

5 The Court does not hold prisoners proceeding pro se to the same
6 standards that it holds attorneys. However, at a minimum, as the
7 moving party plaintiff bears the burden of informing the court of
8 which discovery requests are the subject of his motion to compel and,
for each disputed response, why defendant's objection is not
justified.


9 Waterbury v. Scribner, No. 1:05-cv-0764 OWW DLB PC, 2008 WL 2018432, at *1, 2008 U.S.
10 Dist. LEXIS 53142, at *3 (E.D. Cal. May 8, 2008). Without the original requests, defendants'
11 responses (including any objections), and plaintiff's explanation as to why the responses are
12 deficient, the court is unable to determine whether production should be compelled, and the
13 motion will therefore be denied. If plaintiff files another motion to compel, the motion must
14 include a copy of the requests as they were sent to defendants, defendants' responses and
15 objections, and an explanation as to why the responses are deficient or the objections are not
16 appropriate.

17 Accordingly, IT IS HEREBY ORDERED that:

18 1. Within thirty days of the service of this order, defendants shall file a response to
19 plaintiff's motion for preliminary injunction (ECF No. 99). Plaintiff may file a reply within
20 twenty-one days of the response.

21 2. Plaintiff's motion to compel (ECF No. 100) is DENIED without prejudice to a motion
22 in the proper form.

23 DATED: January 23, 2023

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25 ALLISON CLAIRE
26 UNITED STATES MAGISTRATE JUDGE
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